

TRANSPORTATION DEPARTMENT[761]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 307.10 and 307.12, the Iowa Department of Transportation, on September 11, 2012, adopted amendments to Chapter 601, “Application for License,” Chapter 605, “License Issuance,” Chapter 625, “Driver’s Licenses for Undercover Law Enforcement Officers,” and Chapter 630, “Nonoperator’s Identification,” Iowa Administrative Code.

Notice of Intended Action for these amendments was published in the July 11, 2012, Iowa Administrative Bulletin as **ARC 0201C**.

The amendments modify the requirements for obtaining a new driver’s license or nonoperator’s identification card, a renewal of a license or card, or a duplicate license or card to comply with federal rule making that established minimum standards for the issuance of driver’s licenses and nonoperator’s identification cards. The list of primary documents required to establish identity and date of birth are slightly modified to conform to the approved federal documents, and unnecessary secondary documents have been removed. The amendments also clarify the documents needed to verify social security number, establish in rule existing practice regarding proof of and verification of Iowa residency and current residential address and expand existing practice by requiring two documents showing residency rather than one, establish in rule existing practice regarding proof and verification of lawful status in the United States and modify slightly the documents necessary to prove lawful status to conform to the approved federal documents, and clarify procedures for establishing a person’s change of name, date of birth, or sex designation.

A driver’s license or nonoperator’s identification card that is issued as a REAL ID driver’s license or REAL ID nonoperator’s identification card shall include a security marking as required by 6 CFR 37.17. Beginning January 15, 2013, a driver’s license or nonoperator’s identification card that is not issued as a REAL ID license or card may be marked as required by 6 CFR 37.71 and any subsequent guidance issued by the U.S. Department of Homeland Security. A driver’s license or nonoperator’s identification card that is issued to a person who is a foreign national with temporary lawful status will be marked “limited term” and will be limited in term to one year where the person’s lawful status has no expiration date. Where the person’s lawful status has an expiration date, current practice, which limits the term to the length of lawful status, not to exceed two years, will continue.

The amendments bring Iowa into compliance with federal rule-making requirements and ensure that Iowans will have access to driver’s licenses and nonoperator’s identification cards that are acceptable to the federal government (REAL IDs) when Iowans are engaging in official purposes as defined in 6 CFR 37.3; specifically, accessing federal facilities for which identification is required to enter, boarding federally regulated commercial aircraft, and entering nuclear power plants.

The amendments also allow a military member or dependent family member of a military member who is stationed out of state to use the military member’s residential address for the state of station as the residential address for an Iowa driver’s license or nonoperator’s identification card when the military member and dependent family member are residents of Iowa but do not maintain an Iowa residence during the period they are stationed out of state. This provision is not required for federal compliance but was determined to be appropriate to support Iowa military members and their families who are not eligible for licensing in their state of station but need forms of identification that show their local address.

These rules do not provide for waivers. Any person who believes that the person’s circumstances meet the statutory criteria for a waiver may petition the Department for a waiver under 761–Chapter 11.

These amendments are identical to those published under Notice of Intended Action.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 321.13, 321.177, 321.182, 321.189, 321.190, and 321.196, the REAL ID Act of 2005 (49 U.S.C. Section 30301 note), and 6 CFR Part 37.

These amendments will become effective November 7, 2012.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [amendments to Chs 601, 605, 625, 630] is being omitted. These amendments are identical to those published under Notice as **ARC 0201C**, IAB 7/11/12.

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[For replacement pages for IAC, see IAC Supplement 10/3/12.]